

The Honorable James L. Robart

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON (SEATTLE)**

JAY BURDETTE,

Case No.: 2:16-CV-01151-JLR

Plaintiff,

v.

TECH MAHINDRA (AMERICAS), INC.,

Defendant.

**STIPULATION AND ORDER TO
ALLOW PLAINTIFF TO AMEND
COMPLAINT**

Plaintiff Jay Burdette, by and through his counsel of record, Timothy Pauley, George Tamblyn and Gregory Skidmore, of Mercer Island Law Group, PLLC, and Defendant Tech Mahindra, by and through its counsel of record, David N. Bruce, Miles A. Yanick and Sarah Gohmann Bigelow, hereby jointly agree to allow Plaintiff to amend his complaint in this matter as set forth in attached Exhibit A.

DATED: May 29, 2017

Savitt, Bruce & Willey LLP

Mercer Island Law Group, PLLC

/s/ Miles Yanick

David N. Bruce

Miles A. Yanick

Sarah Gohmann Bigelow

/s/ George Tamblyn

George O. Tamblyn, WSBA No. 15429

STIPULATION AND ORDER TO ALLOW PLAINTIFF
TO AMEND COMPLAINT - 1

MERCER ISLAND LAW GROUP, PLLC
2448 76th Avenue SE, Suite 100
Mercer Island, WA 98040
Telephone: (206) 236-2769

ORDER

The Court having considered the parties' Stipulation to Amend Complaint
hereby orders that:

The Stipulation to Amend Complaint is hereby GRANTED and the Plaintiff is allowed to amend the original Complaint as set forth in attached Exhibit A. The court orders Plaintiff to file the First Amended Complaint within 7 days of this order. The court directs the clerk to terminate Plaintiff's motion to amend (Dkt. # 30).

DATED THIS 30th day of May, 2017.

THE HONORABLE JAMES L. ROBART

Presented by:

MERCER ISLAND LAW GROUP, PLLC

/s/ George Tamblyn

George O. Tamblyn, WSBA No. 15429
Attorney for Plaintiff

The Honorable James L. Robart

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON (SEATTLE)**

JAY BURDETTE,

Case No. 2:16-cv-01151

~~Plaintiff,~~

VS.

TECH MAHINDRA (Americas) Inc.,
Defendant.

**FIRST AMENDED COMPLAINT FOR
DISCRIMINATION IN EMPLOYMENT
AND WRONGFUL TERMINATION**

Comes now Plaintiff Jay Burdette, by and through his attorney of record, George O. Tamblyn, and by way of claim alleges as follows:

I. INTRODUCTION

1.1 This lawsuit is for damages against Tech Mahindra (Americas) Inc. ("Tech Mahindra") and
is brought under all available tort claims and pursuant to RCW 49.60, et seq. ~~and Title VII~~
~~of the Civil Rights Act of 1964, as amended, 42 USC 2000e, et seq. ("Title VII").~~

II. PARTIES, JURISDICTION AND VENUE

1.2 At all times relevant to the Complaint, Plaintiff Jay Burdette was a resident of King County, Washington, and performed services for Tech Mahindra in King County.

1 Washington.

2 1.3 Defendant Tech Mahindra (Americas) Inc. ("Tech Mahindra") is a Washington Company
3 that does business in King County, Washington.
4

5 1.4 Tech Mahindra employs fifteen (15) or more individuals at all times material to this
6 Complaint.
7

8 1.5 Tech Mahindra is an employer as defined by RCW 49.12.005(3), the Washington Law
9 Against Discrimination ("WLAD") RCW 49.60.030, and the Civil Rights Act of 1964, 42
USC 2000e.
10

11 1.6 This Court has jurisdiction of the parties and subject matter pursuant to 28 U.S.C. § 1441 et
12 seq.
13

14 1.7 Venue is proper in this Court.
15

III. FACTUAL ALLEGATIONS

16 2.1 Plaintiff is an American Caucasian male.
17

18 2.2 Plaintiff commenced working for Tech Mahindra as a System Architect, Band P1A on
19 April 25, 2014.
20

21 2.3 As a System Architect, Plaintiff was tasked with archiving data for the assigned projects;
22 archiving mission critical performance for ERP; maintaining OrderTrack, DLC and
23 Mercury/Aspen; requirements gathering. His duties also included policy, process and
24 procedure documentation; weekly program operations governance; vendor coordination
25 and management of trouble tickets; AOTS remedy ticket management; and business
26

- 1 stakeholder communication; daily run log and run book management.
- 2 2.4 On July 15, 2015, Tech Mahindra issued Plaintiff a separation notice notifying Plaintiff
3 that his employment would be terminated as of July 31, 2015.
- 4 2.5 Defendant explained that Plaintiff's position was being eliminated because his position
5 was being off-shored.
- 6 2.6 After Plaintiff's employment was terminated, Tech Mahindra assigned Plaintiff's duties to
7 employees of Indian descent.
- 8 2.7 Such an adverse action was motivated by Plaintiff's race and national origin.
- 9 2.8 On November 9, 2015, Plaintiff filed a Charge of Discrimination with the Equal
10 Employment Opportunity Commission ("EEOC") in EEOC Charge No. 551-2016-00269
11 alleging, inter alia, that he was discriminated against by Defendant because of his race
12 and national origin when Defendant terminated his employment in violation of Title VII.
13
- 14 2.9 On or about April 25, 2017, the EEOC issued a Notice of Right to Sue to Plaintiff stating
15 that Plaintiff had ninety (90) days from the date of that Notice of Right to Sue to bring an
16 action in an appropriate United States District Court.
- 17
- 18
- 19
- 20

21 **IV. CLAIMS OR CAUSES OF ACTION**

22

23 **a. First Cause of Action: RCW 49.60.30 (Freedom From Discrimination) and RCW
24 49.60.180 (Unfair Practices of Employers)**

- 25 3.1 Plaintiff incorporates each of the foregoing factual allegations as if set forth fully herein.
26

3.2 It is unfair practice for any employer to discriminate against an employee because of his/her race, ethnicity, or national origin.

3.3 Plaintiff's employment was terminated because of his race, ethnicity, or national origin.

3.4 Termination of Plaintiff's employment because of his race was in violation of RCW
49.60.180 and Chapter 49.60.30.

3.5 As a result, Plaintiff is entitled to recover general damages, specific damages, as well as his costs and reasonable attorney fees pursuant to RCW 49.60.030(2).

b. Second Cause of Action: Wrongful Termination

3.6 Plaintiff incorporates each of the factual allegations as if set forth fully herein.

3.7 It is the public policy of Washington to protect employees from race discrimination.

3.8 Defendant's termination of Plaintiff's employment and reassignment of Plaintiff's duties to employees of Indian descent were discriminatory based on Plaintiff's race, ethnicity, or national origin.

3.9 Allowing Tech Mahindra to terminate Plaintiff based on his race would jeopardize the above mentioned public policy.

3.10 Plaintiff's race, ethnicity and national origin caused Plaintiff's termination.

3.11 Washington common law provides a claim for damages for wrongful termination.

3.12 As a result, Plaintiff is entitled to recover general damages, specific damages, as well as costs and reasonable attorney fees pursuant to RCW 49.60.030(2).

1 **c. Third Cause of Action: Discrimination, Title VII, Civil Rights Act of 1964 (42 USC
2 2000(e) et seq.)**

3.13 Plaintiff incorporates each of the foregoing factual allegations as if set forth fully herein.

3.14 Defendant Tech Mahindra (Americas) was at all times relevant to this action, an
employer within the meaning of the Title VII.

3.15 At all times relevant to this action, Defendant engaged in activities which affected
commerce and employed more than fifteen (15) employees.

3.16 At all relevant times to this action, Plaintiff was an employee of Defendant.

3.17 Plaintiff was terminated from his employment with Defendant because of his race and
national origin.

3.18 As a result of the foregoing, under Title VII, Plaintiff is entitled to recover general
damages, specific damages, compensatory and punitive damages, as well as his costs and
reasonable attorney fees.

19 **V. DEMAND**

20 WHEREFORE, Plaintiff prays that the judgment be rendered in his favor and against Defendant
21 as follows:

23 4.1 Actual, compensatory, general, compensatory, punitive, and specific damages according
24 proof at trial and as allowable by law;

25 4.2 Plaintiff's reasonable attorney's fees and costs herein incurred;

4.3 Prejudgment interest; and

4.4 Such other further relief as shall be just and equitable.

DATED: May 11, 2017.

By: _____
George O. Tamblyn, WSBA No. 15429
Timothy J. Pauley, WSBA No. 18583
Gregory M. Skidmore, WSBA No. 47462
2448 76th Ave SE, Suite 100
Mercer Island, WA 98040
Tel: 206-236-2769
Fax: 206-236-1893

FIRST AMENDED COMPLAINT FOR
DISCRIMINATION IN EMPLOYMENT AND
WRONGFUL TERMINATION - 6

MERCER ISLAND LAW GROUP, PLLC
2448 76th Ave. SE, Suite 100
Mercer Island, WA 98040

CERTIFICATE OF SERVICE

I, JOHANNA SAPPENIFLED, certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

I am employed by the law firm of Mercer Island Law Group, PLLC.

At all times hereinafter mentioned, I was and am a citizen of the United States of America, a resident of the State of Washington, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On the date set forth below I served the document listed below, in the manner noted on
the following entity:

- 1) Plaintiff's First Amended Complaint for Discrimination in Employment and Wrongful Termination.

PARTY/COUNSEL	DELIVERY INSTRUCTIONS
David Bruce	<input type="checkbox"/> Hand Delivery
Miles Yanick	<input type="checkbox"/> Certified Mail
Sarah Gohmann Bigelow	<input type="checkbox"/> Facsimile
Savitt, Bruce & Willey LLP	<input checked="" type="checkbox"/> E-mail
1425 Fourth Avenue, Suite 800	<input checked="" type="checkbox"/> U.S. Mail
Seattle, WA 98101	
<u>sgohmannbigelow@sbwllp.com</u>	
<u>dbruce@sbwllp.com</u>	

Mercer Island Law Group, PLLC

Johanna Sappenfield
Paralegal